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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,481	10/12/2001	Stephen Butz	BUTZ-PA	9944
7590	12/14/2006		EXAMINER	
OBER / KALER c/o Royal W. Craig 120 East Baltimore Street Baltimore, MD 21202			LU, CHARLES EDWARD	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/976,481	BUTZ, STEPHEN
	Examiner Charles E. Lu	Art Unit 2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 14 August 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4)  Claim(s) 1 and 4-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1 and 4-9 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 14 August 2006 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Response to Amendment/Response to Arguments***

1. This Action is in response to the granted petition to revive, dated 11/7/2006.

An Amendment was filed 8/14/2006. Claim 1 is amended, claims 2-3 are cancelled, and claims 4-9 are added. Claims 1 and 4-9 are rejected.

2. Replacement drawing sheets are noted. Objection to the drawings are withdrawn.
3. Amendment to the abstract is noted. Objection to the abstract is maintained.
4. Applicant's arguments regarding the prior art rejection have been fully considered but are moot in view of the new grounds of rejection presented below. The claim amendments change the scope of the invention.

### ***Specification***

5. **The Abstract is objected to for the following informalities:**

The replacement Abstract appears to contain 157 words. The abstract should be no longer than 150 words.

Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**6. Claims 1 and 4-8 are rejected under 35 U.S.C. 102(e) and (a) as being anticipated by Douglas et al (U.S. Patent 6,039,688).**

**As to claim 1,** Douglas teaches all the claimed subject matter including:

A method for the storage and querying of social services<sup>1</sup> data in a knowledge base (e.g., fig. 59) that provides quantitative accountability for social services provided by a case worker to a client (e.g., fig. 1, #10, #14) via a navigable user interface (e.g., fig. 39-58);

Collecting information relating to defined social services and providers (e.g., col. 19, II. 26-48, fig. 49-58, col. 19, I. 49 – col. 21, I. 5);

Collecting information relating to defined clients (e.g., patients, fig. 2-5);

Collecting information relating to defined client barriers to productivity (e.g., certain factors of health and behavior, fig. 5, and fig. 45, #306, #308);

Collecting information relating to defined goal-oriented client outcomes (e.g., certain aspects of behavior, fig. 45, #310)

Incorporating said collected information into a structured relational database (e.g., Abstract, col. 21, II. 44-54);

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<sup>1</sup> The term "social services" is being interpreted in light of the specification (pp. 4-5) as including patient care management. Therefore, Douglas teaches "social services."

Providing a graphical user interface with a plurality of controls each for initiating a pre-determined query for allowing a user to generate a report indicating reduction of said client barriers over time, thereby maintaining a quantitative accountability for social services (e.g., fig. 39-45).

**As to claim 4**, Douglas further teaches wherein the step of collecting information relating to defined client barriers to productivity further comprises selection of pre-defined itemized barriers to client productivity and for each itemized barrier a severity of said barrier (e.g., fig. 5, #51, fig. 45, scale from 1-4, note that these items and values have to be collected and selected first, before they can be stored/displayed see fig. 40, col. 18, ll. 5-35).

**As to claim 5**, Douglas further teaches wherein the step of providing a graphical user interface with a plurality of controls each for initiating a pre-determined query further comprises a control for initiating a pre-determined query for allowing a user to generate a report assessing progress in reducing severity or eliminating said client barriers over time (met as shown by figs. 39-45). Note that the controls have to initiate a query into the system for display/reporting of any desired data for proper operation of the system.

**As to claim 6**, Douglas further teaches periodically collecting information measuring reduction of said defined client barriers (fig. 45, col. 18, ll. 5-35, note the reduction of the barrier because the patient of fig. 45 is making positive progress).

**As to claim 7**, Douglas further teaches periodically collecting information specifying said case worker's efforts toward reducing said defined client barriers over

time (e.g., col. 18, ll. 5-35, 34-65). Note that a case worker may make an effort to recommend changes to the program.

**As to claim 8**, Douglas further teaches further comprising at least one control for assessing reduction of said client barriers over time (see discussion above) and at least one control for initiating a pre-determined query for allowing a user to generate a report assessing effectiveness of said case worker's efforts toward reducing said defined client barriers over time. Note that the first mentioned control also assesses the effectiveness of the case worker's efforts to reduce client barriers. For example, as the case worker makes recommendations (e.g., col. 18, ll. 5-35, 34-65), a report showing reduced client barriers (fig. 45) shows positive progress, which is an assessment of the case worker's efforts. Also note that the "Print" button in fig. 45 is another control that initiates a query to allow generation of the report.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Douglas et al (U.S. Patent 6,039,688).**

**As to claim 9**, Douglas teaches selecting from a predefined categorical list of progress elements (e.g., see fig. 45, "Behavioral Intention, Self-Efficacy, etc").

Douglas does not expressly teach "including educational advancement".

However, Douglas states that education and motivation is a two-pronged approach to behavior modification (col. 14, ll. 10-24). Douglas discloses motivational factors as part of behavior modification, discussed above, and fig. 45, #300-#304.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Douglas with the above, such that "educational advancement" is included in the list of progress elements. The motivation would be to allow a user to track progress in educational learning as it relates to the patient's recovery. This will facilitate providing a clearer picture of a patient's overall progress.

***Conclusion***

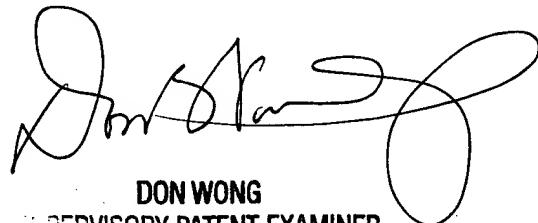
8. Applicant's amendment necessitates new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Lu whose telephone number is (571) 272-8594. The examiner can normally be reached on 8:30 - 5:00; M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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